

Notice of Allowability

Application No.

10/813,005

Examiner

Christopher R. Magee

Applicant(s)

YASUI ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/29/2007.
2. ☒ The allowed claim(s) is/are 1,2 and 4-11 (renumbered as 1-10, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1, 2, 4-7, 10 and 11 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 8 and 9, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 10/31/2006 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Response to Amendment

2. The reply filed 05/29/2007 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: Regarding claim 8, line 8, "by" has been deleted.

Reasons for Allowance

4. Claims 1, 2 and 4-11 are allowed (renumbered as 1-10, respectively).

The following is an examiner's statement of reasons for allowance:

This application is for a COBALT-PLATINUM OR IRON-PLATINUM MAGNETIC MATERIAL CONTAINING 1% to 40% CU, NI or B.

- **Claims 1 and 10** specify a magnetic material, which requires:

"wherein said magnetic material comprises an L1₀ ordered alloy and at least one element of Cu, Ni and B is contained in said alloy magnetic material with an atomic percent equal to or more than 1% and equal to or less than 40 %."

- **Claim 8** specifies a method of manufacturing a magnetic material, which requires:

"a step of depositing a magnetic material in which at least one element of Cu, Ni and B is contained in a CoPt or FePt alloy magnetic material with an atomic percent equal to or more than 1% and equal to or less than 40 % from a plating solution; and a step of transforming the deposited magnetic material into an L1₀ ordered alloy by annealing at a temperature equal to or lower than 500°C."

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- **Claim 11** specifies a magnetic material, which requires:

“a CoPt or FePt alloy magnetic material which is $L1_0$ ordered alloy, and at least one element of Cu, Ni and B is contained in said alloy magnetic material with an atomic percent equal to or more than 1% and equal to or less than 40 %.”

The prior art of record fails to teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application. Furthermore, a search made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in each of claims 1, 8, 10 and 11, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in claims 1, 8, 10 and 11) provides for a magnetic material found in a magnetic recording medium having a magnetic material comprising an $L1_0$ ordered alloy and at least one element of Cu, Ni and B is contained in said alloy magnetic material with an atomic percent equal to or more than 1% and equal to or less than 40 %.” None of the cited prior art of record disclose such a magnetic material found in a magnetic recording medium, as set forth in the manner, function and relationship relative to other claimed structures as prescribed by the independent claims.

Therefore, these features, in combination with other features of claims 1, 8, 10 and 11 are not anticipated by, nor made obvious over, the closest prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christopher R. Magee
Patent Examiner
Art Unit 2627


ANGEL CASTRO
PRIMARY EXAMINER

August 5, 2007
crm